



Southern California Repeater and
Remote Base Association
P.O. Box 5967
Pasadena, California 91117

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JUN 15 1998

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter Of:

**Petition of the Land Mobile
Communications Council to obtain
new spectrum for PMRS use, including the
420 to 430 MHz and 440 to 450 MHz
Amateur Service band.**

RM-9267

**Re: Reply comments of the Southern California Repeater
and Remote Base Association in opposition to the
Petition for Rulemaking by the Land Mobile
Communications Council.**

June 14, 1998

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1: The Southern California Repeater and Remote Base Association (SCRRBA)¹ filed comments on this matter, and we herein supply selected reply comments. We believe that the comments received by the Commission show far more than sufficient cause for the Commission to DISMISS or DENY the LMCC petition.

2: Generally the comments fall clearly into two categories. Those opposed to any PMRS or CMRS use or reallocation of the 420-430 MHz and 440-450 MHz sub bands, and those waving the flag for the LMCC and the PMRS and generally stating "Of course we want More Spectrum.. Give it to us!". Unfortunately for the Petition, none of the favoring commenters add or supply any substantive data to the proceeding. No data is provided to show how the proposed sharing could be accomplished. No data is provided to show how loss of this spectrum could be replaced and compensation provided to the Amateur Service.

3: Commenters supporting the Amateur service supply data ranging from the simple statement "I am here and I use this spectrum personally" to those who supply real data and analyses of the Petition.² These commenters show widespread occupancy around the country by Amateur Service systems ranging from simple localized simplex or relay communications stations, to vast complex systems spanning many states. These commenters show occupancy utilizing many different emission formats and system designs. Many of these commenters supply data on the value of the Amateur Service communications occupying this spectrum by supplying examples varying from simple cases of basic emergency communications to those where the Amateur Service supplies life

¹ The Southern California Repeater and Remote Base Association (SCRRBA) is a voluntary association of owners and operators of Amateur Radio Service fixed and mobile relay stations operating primarily on the UHF and Microwave Frequency amateur bands. We provide Amateur Service frequency coordination in the Southern California region, particularly in the 420-450 MHz Amateur Service band.

² Typical of the commenters supplying actual facts and data are: SCRRBA, ARRL, LARA, CACTUS, DiPaolo Timber, APCO, SBMS, The NTIA report (including NOAA, MILDEP, NASA, Etc)

critical communications in a disaster situation. Each of these commenters brings evidence of actual occupancy and the direct impact that loss of this spectrum would have, often including direct and/or replacement cost analyses.

4: Non-Amateur commenters favoring protection of the amateur allocations at 420-430 MHz and 440-450 MHz generally cite the value of amateur emergency communications services, and the long standing effective cooperation between the amateur service and the many public and semi-public entities charged with the general public safety. APCO states the general condition well. "...long history of cooperation between public safety agencies and the amateur radio community...", and "Amateur radio operations on 420-450 MHz often provide the most effective and reliable on-scene and wide area communications in the immediate aftermath of a major emergency...", and "adding substantial numbers of ... new users, as proposed by the LMCC, would significantly reduce the availability of that spectrum for amateur radio operations in emergency situations."³

5: Commenters favoring the Petition generally re-state the case made by the LMCC for more PMRS spectrum. They re-state just how important their communications are (a fact not in dispute). They re-state that they have frequency congestion difficulties (another fact not in dispute). They all somehow draw the conclusion that these facts alone entitle them to More Spectrum. They all somehow draw the conclusion that they cannot effectively make more use of the spectrum they already have through the legislated "refarming" process, generally by stating the incorrect and invalid conclusion that reduced occupied bandwidth equates to reduced communications quality.

6: UTC makes the case clear that they really want refarming to apply to "others", because "the present plan will degrade the quality of communications..." and their members

will find it "inadvisable" to deploy new systems.."⁴ These words make it rather clear that the UTC wants the status quo for emission bandwidth, thereby alleviating the need for their existing members to pay for the new equipment needed to properly and fully utilize the "refarmed" spectrum.

7: UTC reveals the real reasoning behind their clear lack of enthusiasm for "refarming" with a truly ludicrous suggestion. UTC states that existing users would have to move their 25 kHz operations off to new (presumably also 25 kHz) spectrum BEFORE existing allocations could be converted to 12.5 kHz or 6.25 kHz operation!⁵ This way, they can "have their cake and eat it too"! They will move existing users, along with their 25 kHz equipment to "new (unused)" PMRS spectrum. The user pays a coordination fee, but no spectrum fee. The service companies get a contract to change frequency on the system. The manufacturers have some spectrum on which to sell "refarming compliant" equipment. The new user pays a coordination fee, but no spectrum fee. A nice neat way of maintaining the status quo for their members who don't want to pay for new equipment, while providing places for new services where the cost of equipment is suddenly less important.

8: DiPaolo Timber neatly explains the case. "Granting added spectrum to PMRS users would be rewarding them for failing to migrate to spectrum efficient systems".⁶ This will be the exact result if the Commission chooses to allocate any of the 420-430 MHz and 440-450 MHz sub-bands to any PMRS use. We submit that the LMCC and supporting commenters have totally FAILED to show any meaningful effort toward moving any present PMRS spectrum allocations to effective narrowband operations. We submit that the PMRS

³ APCO comments at 4

⁴ UTC comments at II.A.2

⁵ UTC comments at III.1 and footnote 11

⁶ DiPaolo Timber Corp comments at 3

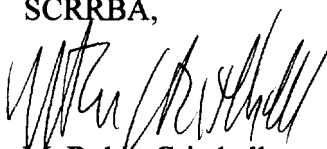
community has NO justification to petition for more spectrum until they clean their own house, and can show that their members are effectively using narrowband techniques and equipment.

9: We do believe that there are fundamental issues requiring attention in the PMRS regulatory arena. The LMCC and favoring commenters bring forth for new discussion the existing and ongoing CMRS vs. PMRS issue. We understand the expressed concerns of the LMCC in this area, but we must do all we can to prevent this issue from being brought to the arena on the backs of an innocent third party, the Amateur Service.

10: ITA explains well that "the LMCC petition raises many fundamental issues related to regulation of the private wireless industry."⁷ They continue to explain the basic issue of CMRS vs. PMRS. We agree that these issues need to be fully addressed. We are CERTAIN that the Amateur service should NOT be in the middle of any such discussion. Any action that places the Amateur Service in the middle of any such dialog will INVARIABLY result in significant and quite likely irreparable damage to the Amateur Service. Positive action on the LMCC petition, as it stands, will cause such harm.

11: Based upon the Petition itself, the comments reviewed herein, and the overall comments received by the Commission, we again ask that the Commission DENY or DISMISS the LMCC petition.

Respectfully submitted:
SCRRBA,



M. Robin Critchell
Senior Coordinator

⁷ TIA comments at 5

Certificate of Service:

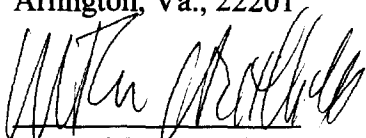
I, M Robin Critchell, certify that a copy of these reply comments were sent via first class United States Mail to:

Association of Public-Safety Communications
Officials-International, Inc. (APCO)
Attn: Robert M. Gurss
Wilkes, Artis, Hedrick & Lane
1666 K Street, N.W. # 1100
Washington, D.C., 20006

UTC, The Telecommunications Association
Attn: Jeffrey L. Sheldon, General Council
1140 Connecticut Avenue, N.W. Suite 1140
Washington, D.C. 20036

DiPaolo Timber Corp
Attn: Carl Di Paolo
P.O. BOX 8
Eugene, Oregon, 97440-0008

Industrial Telecommunications Association, Inc. (ITA)
Attn: Mark E. Crosby, President
1110 N. Glebe Road, Suite 500
Arlington, Va., 22201


M. Robin Critchell